

OCT. 10. 2005 2:40PM

KIRTON & MCCONKIE

RECEIVED
CENTRAL FAX CENTER

NO. 186 P. 1

OCT 10 2005

N. Kenneth Burraston

**KIRTON &
M^cCONKIE**

TELEPHONE (801) 328-3600
FACSIMILE (801) 321-4893

A PROFESSIONAL CORPORATION
1800 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
P.O. BOX 45120
SALT LAKE CITY, UTAH 84145-0120

FACSIMILE TRANSMISSION SHEET

DATE: October 10, 2005

BILLING #: 12439.189

TO: Commissioner for Patents

FAX #: (571) 273-8300

FROM: N. Kenneth Burraston

8 NUMBER OF PAGES INCLUDING COVER SHEET

COMMENTS: Transmitted herewith is an Information Disclosure Statement and Credit Card
Payment form for:

App. No.: 10/651,821

Confirmation No.: 9378

Applicant: Mathieu et al.

Filed: August 29, 2003

TC/A.U.: 3729

Examiner: Rick Kiltae Chang

Docket No.: P116D1-US

**IF YOU DO NOT RECEIVE ALL OF THE PAGES,
PLEASE CALL OUR OFFICE AT (801) 328-3600 AS SOON AS POSSIBLE.**

This is a confidential communication and is not to be delivered or read by any person other than the addressee.
Facsimile transmission is not intended to waive the attorney-client privilege or any other privilege.
If this transmission is received by anyone other than the addressee, the recipient is requested to call Kirton & McConkie
collect at (801) 328-3600, and to immediately return this document to Kirton & McConkie by United States mail.
Kirton & McConkie guarantees return postage.

OCT. 10. 2005 2:40PM

KIRTON & MCCONKIE

NO. 186 P. 2

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO at (571) 273-8300 or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 7, 2005.

Ref. No.: 12439-189

**RECEIVED
CENTRAL FAX CENTER**

OCT 10 2005

Erin Cowles

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/651,821
Applicant : Mathieu et al.
Filed : August 29, 2003
TC/A.U. : 3729
Examiner : Rick Kiltae Chang

Confirmation No. 9378

Docket No. : P116D1-US (12439.189)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

To Whom It May Concern:

Listed on an attached Form PTO/SB/08A is information known to applicant(s). Applicants ask that the attached Form PTO/SB/08A be initialed and returned in accordance with MPEP §609. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

COMMONLY OWNED, RELATED U.S. PATENTS AND APPLICATIONS

Applicants note that citation numbers 4, 7, 9, 10, 12, 13, 15-18, 20, and 22-28 in the attached listing are U.S. patents or applications that are commonly owned with the above-identified patent application and may contain subject matter that is related to the subject matter of the above-identified patent application. The Examiner's attention is therefore directed to the prosecution history of the foregoing related U.S. patent(s) and patent application(s) and prior art cited in these patent(s) and patent application(s); Applicants assume the Examiner has access to all of the prosecution history, including the cited prior art, of these patents(s) and patent application(s), but Applicants will provide copies of all or any part of the prosecution history of or prior art from any of these patent(s) or patent application(s) upon request.

10/11/2005 TL0111 00000033 10651821

01 FC:1806

100.00 OP

Page 1 of 6

Appl. no. 10/651,821
IDS dated October 7, 2005

- ☐ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
- ☐ It is being filed within 3 months of the application filing date (other than the filing date of a continued prosecution application under §1.53(d)); or
 - ☐ It is being filed within 3 months of entry of a national stage; or
 - ☐ It is being filed before the mail date of the first Office Action on the merits; or
 - ☐ It is being filed before the mail date of the first Office Action after the filing of a request for continued examination under §1.114.
- ☒ 37 C.F.R. §1.97(c). If this statement is being filed three months after the filing date of a national application or entry of the national stage in an international application and the mailing date of a first Office action on the merits but before the mailing date of the earlier of a final office action, a notice of allowance, or an action that otherwise closes prosecution in the application, then:
- ☐ a statement as specified in §1.97(e) is provided below; or
 - ☒ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, but before payment of the issue fee, then:
- a statement as specified in §1.97(e) is provided below; and
 - a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

Appl. no. 10/651,821
IDS dated October 7, 2005

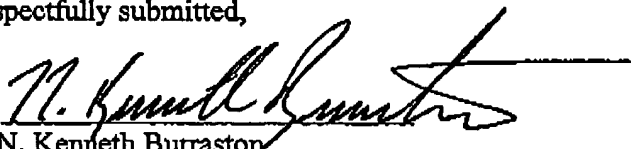
Fee:

- ☐ No fee is due.
- ☐ A check that includes \$ for the above-identified fee(s) is enclosed.
- ☒ A credit card payment form providing \$180.00 for the above-identified fee(s) is enclosed.
- ☐ This statement is filed as one part of a multi-part submission. The fee for the complete submission was included in an electronically filed submission on ___. Applicants request the foregoing fee be accepted for this statement. (See OG Notice dated 17 September 2002.)

Respectfully submitted,

Date: October 7, 2005

By


N. Kenneth Burraston
Reg. No. 39,923

Kirton & McConkie
1800 Eagle Gate Tower
60 East South Temple
P.O. Box 45120
Salt Lake City, Utah 84111-1004
Telephone: (801) 323-5934
Fax: (801) 321-4893

Appl. no. 10/651,821
IDS dated October 7, 2005

Modified Form PTO/SB/08A

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		<i>Complete If Known</i>			
		Application Number	10/651,821		
		Filing Date	August 29, 2003		
		First Named Inventor	Gaetan L. Mathieu et al.		
		Group Art Unit	3729		
		Examiner Name	Rick Kiltae Chang		
Sheet	1	of	3	Attorney Docket No.	P116D1-US (12439.189)

U.S. PUBLISHED PATENT DOCUMENTS						
Examiner Initials [*]	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant	Publ./Issue Date	Related [#]
		Number	Kind Code ²			
	1.	4,418,857		Ainslie et al.	12/06/1983	No ^{***}
	2.	4,553,192		Babuka et al.	11/12/1985	No ^{***}
	3.	5,307,311		Sliwa, Jr.	04/26/1994	No ^{***}
	4.	5,476,211		Khandros	12/19/1995	x No ^{***}
	5.	5,613,861		Smith et al.	03/25/1997	No ^{***}
	6.	5,665,648		Little	09/09/1997	No ^{***}
	7.	5,772,451		Dozier, II et al.	06/30/1998	x No ^{***}
	8.	5,810,609		Faraci et al.	09/22/1998	No ^{***}
	9.	5,829,128		Eldridge et al.	11/03/1998	x No ^{***}
	10.	5,832,601		Eldridge et al.	11/10/1998	x No ^{***}
	11.	5,848,685		Smith et al.	12/15/1998	No ^{***}
	12.	5,917,707		Khandros et al.	06/29/1999	x No ^{***}
	13.	5,974,662		Eldridge et al.	11/02/1999	x No ^{***}
	14.	5,979,892		Smith	11/09/1999	No ^{***}
	15.	5,983,493		Eldridge et al.	11/16/1999	x No ^{***}
	16.	6,029,344		Khandros et al.	02/29/2000	x No ^{***}
	17.	6,043,563		Eldridge et al.	03/28/2000	x No ^{***}
	18.	6,150,186		Chen et al.	11/21/2000	x No ^{***}
	19.	6,183,267	B1	Marcus et al.	02/06/2001	No ^{***}
	20.	6,184,053	B1	Eldridge et al.	02/06/2001	x No ^{***}
	21.	6,245,444	B1	Marcus et al.	06/12/2001	No ^{***}
	22.	2001/0012704	A1	Eldridge	08/09/2001	x No ^{***}
	23.	6,442,831	B1	Khandros et al.	09/03/2002	x No ^{***}

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication

¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

** Reference cited in parent application US Serial No. 09/547,560, now US Patent No. 6,640,432 B1. 37 CFR § 1.98(d)

*** Pre-OG Notice By Deputy Commissioner Stephen G. Kunin dated July 11, 2003 waiving the requirement to file copies of US patent publications in applications filed after June 30, 2003.

& Notice dated October 19, 2004 by Deputy Commissioner for Patent Examination Policy waiving requirement to file copies of pending US patent applications if the applications are stored in the USPTO's IFW system.

Commonly owned US patent or application whose subject matter may be related to the subject matter of the instance patent application.

Appl. no. 10/651,821
IDS dated October 7, 2005

Modified Form PTO/SB/08A

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		<i>Complete If Known</i>			
		Application Number	10/651,821		
		Filing Date	August 29, 2003		
		First Named Inventor	Gaetan L. Mathieu et al.		
		Group Art Unit	3729		
Examiner Name	Rick Kiltae Chang				
Sheet	2	of	3	Attorney Docket No.	P116D1-US (12439.189)

U.S. PUBLISHED PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant	Publ./Issue Date	Related [#]	Copy Enclosed
		Number	Kind Code ²				
	24.	6,482,013	B2	Eldridge et al.	11/19/2002	x	No ^{***}
	25.	6,640,432	B1	Mathieu et al.	11/04/2003	x	No ^{***}
	26.	2004/0102064	A1	Mathieu	05/27/2004	x	No ^{***}
	27.	6,827,584	B2	Mathieu et al.	12/07/2004	x	No ^{***}

U.S. UNPUBLISHED PATENT APPLICATIONS						
Examiner Initials*	Cite No. ¹	Serial No.	Name of Applicant	Filing Date	Related [#]	Copy Enclosed
	28.	09/547,561	Mathieu et al.	04/12/2000	x	No [#]

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.

¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

** Reference cited in parent application US Serial No. 09/547,560, now US Patent No. 6,640,432 B1. 37 CFR § 1.98(d)

*** Pre-OG Notice By Deputy Commissioner Stephen G. Kunin dated July 11, 2003 waiving the requirement to file copies of US patent publications in applications filed after June 30, 2003.

& Notice dated October 19, 2004 by Deputy Commissioner for Patent Examination Policy waiving requirement to file copies of pending US patent applications if the applications are stored in the USPTO's IFW system.

Commonly owned US patent or application whose subject matter may be related to the subject matter of the instance patent application.

Appl. no. 10/651,821
IDS dated October 7, 2005

Modified Form PTO/SB/08A

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			<i>Complete If Known</i>		
			Application Number	10/651,821	
			Filing Date	August 29, 2003	
			First Named Inventor	Gaetan L. Mathieu et al.	
			Group Art Unit	3729	
Examiner Name	Rick Kiltae Chang				
Sheet	3	of	3	Attorney Docket No.	PI 16D1-US (12439.189)

FOREIGN PATENT DOCUMENTS								
Examiner Initials ²	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant	Publ. Date	T ⁶	Copy Enclosed
		Office ³	Number ⁴	Kind Code ⁵				
	29.	DE	3604021	A1	Nobuyoshi	08/1986	x	No**
	30.	JP	4-240570		Inoue	08/1992	x	No**
	31.	JP	9-213183		Takahashi	08/1997	x	No**
	32.	WO	97/44676		Khandros et al.	11/1997		No**
	33.	WO	98/52224		Pedersen et al.	11/1998		No**
	34.	WO	99/14404		Chen et al.	03/1999		No**
	35.	WO	00/03569		Eldridge	01/2000		No**
	36.	WO	01/48870		Mathieu et al.	02/2001		No**

OTHER PRIOR ART – NONPATENT LITERATURE DOCUMENTS				
Examiner Initials ²	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ⁷	Copy Enclosed
	37.	WEAST, "Handbook of Chemistry and Physics," pp. D-171 and D-172 (CRC Press).		No ⁸

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication

¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English Language Translation is attached.

** Reference cited in parent application US Serial No. 09/547,560, now US Patent No. 6,640,432 B1. 37 CFR § 1.98(d)

*** Pre-QG Notice By Deputy Commissioner Stephen G. Kunin dated July 11, 2003 waiving the requirement to file copies of US patent publications in applications filed after June 30, 2003.

& Notice dated October 19, 2004 by Deputy Commissioner for Patent Examination Policy waiving requirement to file copies of pending US patent applications if the applications are stored in the USPTO's IFW system.

Commonly owned US patent or application whose subject matter may be related to the subject matter of the instance patent application.